

United States Senate

WASHINGTON, DC 20510

July 14, 2020

Mr. Andrew M. Saul
Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21207

Dear Commissioner Saul:

We wrote to you on March 18, 2020 to ask that the Social Security Administration (SSA) suspend all Continuing Disability Reviews (CDRs) under the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs. We believed at the time that it was far more important to prioritize public health and safety over administrative paperwork needed to carry out SSA's program integrity work – and you agreed. That same day, SSA announced it would “not start or complete any medical continuing disability reviews.”

On June 29, the Social Security Administration (SSA) removed Continuing Disability Reviews (CDRs) from their publicly available list of Suspended Workloads. We understand that the Administration made this change internally in May, and has resumed processing all fully electronic medical CDRs, although CDR cessations are still on hold.

We strongly urge SSA to reconsider this decision. COVID-19 case numbers are higher than ever. Our nation continues to be under a public health emergency, according to the Department of Health and Human Services – a designation that will likely be extended in the coming weeks. We continue to have great concern that prompting – in some cases compelling – beneficiaries to leave home to comply with a CDR puts the very people most in need of protection from COVID-19 at needless risk. Restarting the processing of CDRs will needlessly increase contact between SSA and state Disability Determination Service employees and SSDI/SSI beneficiaries, needlessly jeopardizing the health and safety of both parties, while diverting agency resources away from a higher-priority workload associated with COVID-19 response.

If SSA will not re-suspend CDRs, we urge you to immediately affirm that the pandemic constitutes a presumption of good cause for any delay in responding to CDRs. If beneficiaries do not respond to a CDR, SSA regards it as a “failure to cooperate.” This can include beneficiaries who did not update their address, beneficiaries who were hospitalized and unable to respond to the CDR, beneficiaries who may not be at their normal addresses due to the pandemic, and beneficiaries who usually get their mail at social service organizations that are now closed or inaccessible. These circumstances are more than understandable during a pandemic and should not be considered a failure to cooperate. If beneficiaries cannot safely comply with a CDR – because complying would have jeopardized their health – or did not comply because of other circumstances brought about by the pandemic, SSA should presume good cause.

If SSA is planning to take on new workloads, we urge SSA to focus on CDR appeals cases where beneficiaries are not receiving statutory continuation of benefits. While beneficiaries can continue their benefits during CDR appeals, they have only 10 days to make this election and many are unaware that this is a possibility. These beneficiaries have lost their income and, often, health insurance – both absolutely crucial in the middle of a pandemic. We urge SSA to conduct outreach to these individuals and presume good cause for all individuals who missed the deadline during the pandemic.

Thank you for your consideration of our concerns. We appreciate your prompt response.

Sincerely,

/s/
Sherrod Brown
United States Senator

/s/
Robert P. Casey, Jr.
United States Senator